



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-41**

October 07, 2002

Mr. Scott O'Brien
134 Candia St
Weymouth, MA 02189

RE: DES Wetlands File #2002-01390 166 Wentworth Shore Rd, Moultonborough

Dear Mr. O'Brien

On September 23, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Moultonborough Tax Map 23 as Lot 27 (the "Property"). The purpose of the inspection was in response to an alleged violation for tree cutting, and construction of retaining walls within the protected shoreline to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies and associated structures were documented

A retaining wall averaging 3 feet in height was constructed within 16 feet of the shoreline along the northern end of the property.

A perched beach had been constructed along the southern end of the property, measuring approximately 25 feet x 32 feet, surrounded by a 2 foot wide retaining wall. It was not determined if filter fabric had been installed at the time of the inspection. The wall along the lakefront was partially constructed with mortar. There are no access steps to the lake from the beach. DES has no record of a permit being issued for the construction of a perched beach.

3. A "U" shaped docking facility with approximate dimensions consisting of two 4 foot 4 inch x 20 foot 5 inch cantilevered piers connected by a 4 foot 3 inch x 19 foot 9 inch walkway.
4. An area of exposed soil, measuring approximately 400 square feet extended landward from the docking facility situated between the perched beach to the south and the retaining wall to the north of the property. No silt fence had been installed at the time of inspection.
5. An existing single slip boathouse with approximate dimensions 14 feet 2 inches x 22 feet 3 inches was located along the southern property line. The structure may cross over the imaginary extension of the property line.

In response, you are requested to take the following actions:

- Immediately install erosion control measures along the waters edge, to include, but not limited to, silt fence, hay bales, or mulch, and maintain them until the site has been stabilized. Submit dated photos and a cover letter within 15 days of this Letter of Deficiency showing you have properly installed erosion controls and are maintaining them.
2. Within 45 days of receipt of this Letter of Deficiency, submit a cover letter detailing the work that has been done along the frontage. Have the letter include a description of the frontage prior to beginning work, include the date work began, and provide an explanation for the impacts.
 3. In addition to the above requests, within 45 days of receipt of this Letter of Deficiency please submit a plan, which shows complete dimensions for all existing and recently constructed structures on the frontage. Plans must include the locations and dimensions of all dock supports. Plans must show the relative fixed points for each structure on the shoreline and the distances from the structures to property lines.
 4. Within 45 days of receipt of this Letter of Deficiency please submit a cross-section diagram of the beach which shows pre-existing, existing and proposed grades, the height and width of the retaining walls, methods for diversion of surface runoff. Please include the volume of sand used (in cubic yards) and the footprint, with dimensions, of the area where it was placed. Please show all temporary impacts that were necessary to complete this project, including finished grades, on the plans.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk, Shoreline Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 9569

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
David Killoy, USACOE
DES Wetlands Bureau